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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,066	12/07/2000	Craig Skinner	24530.01200	9725
49637 7590 04/23/2007 BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			EXAMINER TRAN, ELLEN C	
			ART UNIT 2134	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/732,066

Applicant(s)

SKINNER ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***DETAILED ACTION***

1. This action is responsive to: amendment filed 21 November 2006 with acknowledgement of an original application filed on 7 December 2000.

2. Claims 1-24 are currently pending in this application. Claims 1, 11, and 15 are independent claims. Claims 1, 11, and 15 have been amended. Amendment to the claims is accepted.

### ***Response to Arguments***

3. Applicant's arguments filed 21 November 2006 have been fully considered however they are not persuasive.

In response to Applicant's argument beginning on page 7, *"To establish a prima facie case of obviousness, the Examiner must meet three criteria ... With these principles in mind, Applicants note that the Office Action on page 4 asserts that it would be obvious to one of skill in the art at the time of the invention to modify the wireless communication device that can "self adapt" to various communication protocols as taught by Rostoker et al. to include a visual interface for the mobile subscriber. Applicants respectfully traverse this analysis and note that when the suggestive power of each reference is objectively analyzed, it becomes clear that a preponderance of the evidence one of skill in the art would certainly not incorporate a visual interface for the mobile subscriber as is taught in Dahm et al. into the teachings of Rostoker et al. We first turn to the teachings of Rostoker et al. and immediately note that the wireless communication device taught by Rostoker et al. is introduced in the Abstract as configured to "self adapt to various operating frequencies". This feature of self adaptation is important and is identified in numerous places".* The Examiner disagrees with arguments and notes Rostoker

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teaches in col. 12, lines 10-28 that ordinarily the selection process or the cellular communication system and the down-links of the system set up instructions will occur so quickly that a user will not notice the adaptation. Provided that the user has a service account that is recognizable to the local cellular communication system. Therefore as known in the art, if the user does not have an account set up for the coverage area the user would have to use an interface to set up an account.

In response to Applicant's argument beginning on page 10, "*In contrast to the object of Rostoker et al. are the teachings of Dahm et al. Their teachings relate to a visual interface for a mobile device in which a subscriber can interact with account services that are suitable for the mobile device and that have a small screen. The Field of the Invention is introduced in Dahm et al. as relating to user interfaces to mobile subscriber account services that includes such features such as billing, customer service request and so forth whereas visual interfaces to the mobile subscriber account services are provided through mobile devices which have a small screen and communicate over wireless data*". The Examiner disagrees with the argument and notes Rostoker and Dahm both are in related fields 'wireless data for mobile devices with a small screen' in Dahm abstract are equivalent to 'A wireless communication device that takes the form of a cellular telephone'. Furthermore as indicated above Rostoker teaches that an account must be established with a provider in col. 12, lines 10-28 as well as the service provisioning agreements col. 8, lines 18-22.

In addition the motivation to combine Rostoker and Dahm is indicated below in the Office Action.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-5, 7, 8, 11, 12, 14-19, 21, and 22,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker et al. U.S. Patent No. 6,035,212 (hereinafter '212) in view of Dahm et al. U.S. Patent No. 6,466,783 (hereinafter '783).

**As to independent claim 1, "A method in a computer of handling network activation, the method comprising: receiving a at a plug-in device"** is taught in '212 the device includes a single integrated circuit chip this inherently is a plug-in device in col. 8, lines 61-65;

**"and said plug-in device includes components that are tailored to activate the computer with a selected telecommunications carrier and register the computer with a selected service provider"** is disclosed in '212 col. 9, lines 30-35, note the SIMM card can be tailored for additional communication protocols;

**"determining at the plug-in device a network activation status of the computer"** is taught in '212 col. 10, lines 19-42 note a microcontroller can sample the communications environment to determine which protocol is being utilized in the environment of the computer; the following is not explicitly taught in '212:

**“a command from a driver to initiate network activation procedures with a selected telecommunications carrier, wherein said driver is generic to various telecommunications carriers”** however ‘783 teaches network activation procedures, note the driver is the screen display software, the various telecommunication carriers are the number of wireless networks available in col. 7, line 59 through col. 8, line 26,

**“sending, by the plug-in device, a request to a device having network telecommunications carrier activation information; receiving, at the plug-in device, the network telecommunications carrier activation information from the device”** however ‘783 teaches sending messages to activate the selected network wireless network in col. 8, lines 27-36;

**“and configuring the computer with the network telecommunications carrier activation information in order to establish network activation with the telecommunications carrier”** however ‘783 teaches communication with the mobile device are carrier across the selected network in col. 8, lines 36-42;

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a wireless communication device that can self-adapt to various communication protocols taught in ‘212 to include a visual interface for the mobile subscriber. One of ordinary skill in the art would have been motivated to perform such a modification to maintain cost-effective and positive relationships with mobile user for handling customer requests (see ‘783 col. 1, lines 14 et seq.). “One of the most pressing problems facing mobile service providers is delivering cost-effective mobile subscriber account services to create and maintain positive relationships with users of mobile devices. These account services may include providing the users or subscribers with updated account information, such as a rate plan, a bill due date, a

prepaid balance, etc. Account services may also including handling subscriber service requests such as subscription additions, changes, and terminations”.

**As to dependent claim 2, “wherein the received command includes a launch code to initiate a particular network telecommunications carrier activation procedure”** is shown in ‘212 col. 9, lines 36-46, note when a device needs to be operating in a different communication environment the needed programming or data is downloaded into the device.

**As to dependent claim 3, “wherein the device having network telecommunications carrier activation information is a single in-line memory module (SIMM) card configured to be compatible with the telecommunications carrier”** is shown in ‘212 col. 8, line 61 through col. 9, line 35, a plug-in component such as a single integrated circuit chip 38, that can interface with a memory device allowing communication of digital data and the memory can include a SIMM card.

**As to dependent claim 4, “wherein the step of determining a network telecommunications carrier activation status comprises determining if the computer has a current single in-line memory module (SIMM) card that is compatible with the telecommunications carrier”** is disclosed in ‘212 col. 9, lines 16-35, note FIGs 3, 4, and 5 indicate the various communication frequency connection.

**As to dependent claim 5, “wherein the step of determining a network telecommunications carrier activation status further comprises: determining if the computer was previously network activated with a previous single in-line memory module (SIMM) card; and determining if the previous SIMM card is the current SIMM card”** is taught in ‘212 col. 9, lines 30-35, a SIMM card which can be removed from a portable

communication device in order to allow communication protocol and other data to be programmed into the device, reasonable interpreted as, 'the previous SIMM card is the current SIMM card'. It is appreciated by a person of ordinary skill in the art at the time the invention was made that it is inherently determining the status of the SIMM card (i.e. the previous SIM card is the current SIMM card) in order to allow communication protocol and other data to be programmed into the device.

**As to dependent claim 7, "wherein the device having the network telecommunications carrier activation information is a server of the telecommunications carrier"** however '783 teaches a server module of the telecommunications carrier in col. 8, lines 27-43. The motivation to combine '212 and '783 is the same as stated above in claim 1.

**As to dependent claim 8, "wherein the step: sending and receiving are carried out in a protocol specific to the telecommunications carrier"** is taught in '212 col. 10, lines 25-42.

**As to independent claim 11, "A plug-in device configured to be operable in a generic activation framework, the plug-in device comprising:"** is taught in '212 the device includes a single integrated circuit chip this inherently is a plug-in device in col. 8, lines 61-65; the following is not explicitly taught in '212:

**"an application program interface (API) tailored to a particular telecommunications carrier"** however '783 teaches an application program interface (i.e. micro-browser) is initial pre-configured to a GSM wireless network in col. 7, lines 59-62;

**"wherein the API is configured to receive a network telecommunications carrier activation command from a generic driver device in a computer that is generic to various telecommunications carriers"** however '783 teaches note the micro-browser, display screen



software shows the various telecommunication carriers (i.e. the number of wireless networks available) in col. 8, lines 9-26,;

**“and an API tailored to a particular service provider, wherein the API is configured to receive a service provider activation command from the driver device”** however ‘783 teaches when a selected wireless network or the pre-configured network is activated messages are exchanged using the carrier infrastructure in col. 7, lines 61-62 and col. 8, lines 30-35.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a wireless communication device that can self-adapt to various communication protocols taught in ‘212 to include a visual interface for the mobile subscriber. One of ordinary skill in the art would have been motivated to perform such a modification to maintain cost-effective and positive relationships with mobile user for handling customer requests ( see ‘783 col. 1, lines 14 et seq.). “One of the most pressing problems facing mobile service providers is delivering cost-effective mobile subscriber account services to create and maintain positive relationships with users of mobile devices. These account services may include providing the users or subscribers with updated account information, such as a rate plan, a bill due date, a prepaid balance, etc. Account services may also including handling subscriber service requests such as subscription additions, changes, and terminations”.

**As to dependent claim 12, “wherein the plug-in device is an application configured to be initiated in a personal digital assistant”** is taught in ‘212 col. 6, lines 50-59.

**As to dependent claim 14, “wherein upon receiving a particular network telecommunications carrier activation command from the generic driver device, the application program interface (API) is configured to cause the plug-in device to determine**

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**a network telecommunications carrier activation status of the computer”** is taught in ‘212 col. 10, lines 19-42 note a microcontroller can sample the communications environment to determine which protocol is being utilized in the environment of the computer.

**As to independent claim 15**, this claim is directed to the computer-readable medium of the method of claim 1 and is rejected along the same rationale.

**As to dependent claims 16-19, 21, and 22**, these claims are substantially similar to claims 2-5, 7, and 8 above and are rejected along the same rationale.

6. **Claims 6, 9, 10, 13, 20, 23, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker et al. U.S. Patent No. 6,035,212 (hereinafter ‘212) in view of Dahm et al. U.S. Patent No. 6,466,783 (hereinafter ‘783) in further view of Stewart et al. U.S. Patent No. 6,732,176 (hereinafter ‘176).

**As to dependent claim 6**, the following is not taught in the combination of ‘212 and ‘783: **“wherein the step of determining a network telecommunications carrier activation status comprises: receiving an activation security key from a user of the computer; and determining if the activation security key is valid for the telecommunications carrier”** however ‘176 teaches examining the received identification information that may include digital certificate in col. 11, lines 54-65.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a wireless communication device that can self-adapt to various communication protocols with a visual interface for the mobile subscriber to include a means to utilize security key. One of ordinary skill in the art would have been motivated to perform such a modification.

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because it is desirable to have a selective access levels to users (see '176 col. 1, lines 54 et seq.). "However, due to the problems associated with multiple wireless infrastructures installed in a common area, it may be desirable to provide a single wireless (or wireless and wired) infrastructure which may be used by two or more different network service providers. Therefore, it would be desirable to provide a system and method which enables a common wireless network infrastructure to be used by two or more network service providers. This would allow a plurality of service providers to utilize a common set of access points to provide service to a potentially overlapping set of customers. This would also provide subscribers or users with the ability to more fully utilize the existing network infrastructure. It would further be desirable to provide a distributed wireless network system which can selectively provide different access levels to users of the system. It would further be desirable to provide the above features in a wired network service system".

**As to dependent claim 9, "wherein the network telecommunications carrier activation information that is received includes an access number that allows the computer to access network services of the telecommunications carrier"** however '176 teaches an access number is used to access services in col. 2, lines 31-41. The motivation to combine '212, '783, and '176 is the same as stated above in claim 6.

**As to dependent claim 10, "wherein the step of configuring the computer comprises storing an access number that allows the computer to access network services of the telecommunications carrier"** however '176 teaches configuring and storing an access number for network services in col. 11, line 66 through col. 12, line 10 and col. 12, lines 64-67.

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**As to dependent claim 13**, this claim is substantially similar to claim 6 above and is rejected along the same rationale.

**As to dependent claims 20, 23, and 24**, these claims are substantially similar to claims 6, 9, and 10 above; therefore they are rejected along the same rationale.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ECT

Ellen Tran  
Patent Examiner  
Technology Center 2134  
16 April 2007

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER